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ALIPH, INC. and ALIPHCOM, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PLANTRONICS, INC.

Plaintiff

v.

ALIPH, INC. and ALIPHCOM, INC.,

Defendants.

Case No. C 09-01843 CRB

**STIPULATION AND [PROPOSED]  
ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

STIPULATION AND [PROPOSED]  
ORDER DISMISSING CASE  
C 09-01843 CRB

1 Plaintiff Plantronics, Inc. ("Plantronics"), by and through its undersigned counsel, and  
2 Defendants Aliph, Inc. and AliphCom, Inc. (collectively, "Aliph"), by and through their  
3 undersigned counsel, submit the following stipulation of dismissal without prejudice pursuant to  
4 Rule 41(a)(1) of the Federal Rules of Civil Procedure:

5 WHEREAS, on January 15, 2009, Plantronics filed suit against Aliph in the Eastern  
6 District of Texas (case number 6:09-cv-24, the "Texas Action");

7 WHEREAS, on March 23, 2009, the court granted Aliph's motion to transfer the Texas  
8 Action to the Northern District of California;

9 WHEREAS, on April 14, 2009, the Texas Action was transferred to the Northern District  
10 of California, and became Case No. 3:09-cv-01714 (the "Judge Breyer Action");

11 WHEREAS, on April 28, 2009, the Texas Action was erroneously transferred again to the  
12 Northern District of California, and became the instant action, Case No. 3:09-cv-01843 (the  
13 "Judge James Action");

14 WHEREAS, on May 5, 2009, the Court issued an order relating the Judge James Action to  
15 the Judge Breyer Action;

16 WHEREAS, the parties agree that the Judge James Action was erroneously opened and is  
17 duplicative of the Judge Breyer Action;

18 ACCORDINGLY, the parties agree that the Judge James Action (Case No. 3:09-cv-  
19 01843) should be dismissed without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of  
20 Civil Procedure, without any effect on the Judge Breyer Action (Case No. 3:09-01714), and  
21 request that the Court order the same.

22 IT IS SO STIPULATED.  
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STIPULATION AND [PROPOSED]  
ORDER DISMISSING CASE  
C 09-01843 CRB

1 Dated: November 3, 2009

IRELL & MANELLA LLP

2  
3 By: /s/ Brian D. Krechman

4 Brian D. Krechman  
5 Attorneys for Plaintiff  
6 PLANTRONICS, INC.

7 Dated: November 3, 2009

MORRISON & FOERSTER LLP  
TOWNSEND & TOWNSEND & CREW LLP

8  
9 By: /s/ Susan V. Vaughan

10 Susan V. Vaughan  
11 Attorneys for Defendants  
12 ALIPH, INC. and ALIPHCOM, INC.

13 Filer's Attestation:

14 I, Brian D. Krechman, am the ECF user whose identification and password are being used to file  
15 this **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE**. In compliance with  
16 General Order 45.X.B, I hereby attest that Susan V. Vaughan concurs in this filing.

17 By: /s/ Brian D. Krechman  
18 Brian D. Krechman

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20 Dated: \_\_\_\_\_, 2009

21 THE HONORABLE CHARLES R. BREYER  
22 United States District Judge

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STIPULATION AND [PROPOSED]  
ORDER DISMISSING CASE  
C 09-01843 CRB